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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,396	08/23/2001	Carl P. Gusler	AUS920010540US1	9829

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EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,396

Applicant(s)

GUSLER ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This is a Final Office Action in response to Applicants' Amendment/Request for Reconsideration filed on November 30, 2005. Claims 1-22 are present for further examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-22 rejected under 35 U.S.C. 102(e) as being anticipated by Frye et al (hereinafter, "Frye", U.S. Pub. No. 2001/0032105).

As per claims 1, 9 and 16, Frye discloses a method, system and computer readable medium for automated project accountability comprising:

- determining at least one decision maker of a project preparation (abstract and paragraph 0030);
- determining a readiness category for the decision maker (paragraph 0040, Frye discloses different stage approvers to review and decide whether the program (project) is ready to advance to the next stage);

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- determining a decision process for the readiness category and readiness category rating (paragraphs 0031 and 0040); and
- determining a project readiness as a function of the project assessments (paragraphs 0034 and 0040).
- providing a readiness category rating for the readiness category (paragraph 0040);
- conducting a project assessment as a function of the decision process (paragraphs 0034 and 0040).

As per claims **2, 10** and **17**, Frye discloses:

- assigning vote weighting to the decision maker (paragraph 0031).

As per claims **3, 11** and **18**, Frye discloses:

- changing a project management application graphical interface, as a function of the project assessment (paragraphs 0033 and 0034).

As per claims **4, 12** and **19**, Frye discloses:

- assigning a time limit (milestones, dates, etc.) in association with the project assessment and the project readiness (paragraph 0025).

As per claims **5, 13** and **20**, Frye discloses:

- providing a collaborative environment for the decision maker (paragraph 0031).

As per claim **6**, Frye discloses:

- wherein the collaborative discussion mechanism is invoked for determining the readiness category, determining the decision process, conducting the project assessment, and determining the project readiness (paragraph 0031).

As per claims 7 and 21, Frye discloses wherein the determination of at least one decision maker further comprises:

- providing project information from a project creator; accessing a data repository; retrieving a list from the data repository; selecting a project decision maker as a function of the project information and list; and selecting at least one contributing decision maker as a function of the project information, list, and project decision maker (paragraphs 0031 and 0040, Frye discloses different stage approvers to review and decide whether the program (project) is ready to advance to the next stage).

As per claims 8 and 22, Frye discloses:

- providing technical information from the project creator (paragraph 0030); and
- providing security information from the project creator (paragraph 0033).

Response to Arguments

3. Applicant's arguments filed November 30, 2005 have been fully considered but they are not persuasive.

The Office Notes following arguments:

(a) Frye does not disclose and teaches away from the claimed terms determining a readiness category for the decision maker and providing a readiness category rating for the readiness category.

(b) Frye does not disclose determining a readiness category for the decision maker or providing a readiness category rating for the readiness category.

In response to:

(a)-(b) Frye discloses a project that has a variety of milestones and checklists that are completed for each stage within the project. Each stage has different approvers (decision maker) to review and decide whether the program (project) is ready to advance to the next stage. The approver has to decide how ready the program (project) is before it can advance to the next to the stage. The project information will determine how ready the approver (decision maker) is to make a decision. The approver (decision maker) cannot be ready to make a decision without any information. Therefore, Frye does discloses determining a readiness category for the decision maker and providing a readiness category rating for the readiness category.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
February 8, 2006


ARIO ETIENNE
PRIMARY EXAMINER